

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) MARY RAYLEAN DESELLIER,)	
)	
Plaintiff,)	
)	
v.)	Case No. <u>CIV-17-163-R</u>
)	McClain County
(1) THE CITY OF PURCELL,)	Case No. CJ-17-18
OKLAHOMA, a municipality, and)	
)	
(2) DALE BUNN, an individual,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendant, the City of Purcell, gives notice that this action is removed from the District Court of McClain County, Oklahoma, Case No. CJ-17-14, to the United States District Court for the Western District of Oklahoma pursuant to 28 U.S.C. §1441 (a) and (c) and §1446 (a) and (b). In support of this Notice of Removal, Defendant states as follows:

1. On February 1, 2017, Plaintiff filed this action in the District Court of McClain County against the City of Purcell and Dale Bunn, Case No. CJ-17-14. Pursuant to Local Rule 81.2, a copy of the state court docket sheet, along with copies of all documents and pleadings filed and served in this case and of record in the District Court of McClain County are attached to this Notice as Exhibits 1 through 4.

2. Jurisdiction and venue are proper in this Court, pursuant to 28 U.S.C. §1331, §1391 (b) and §1446 (b), since the Petition asserts claims arising under Title VII of the Civil

Rights Act of 1964, 42 U.S.C. §2000e *et seq.* Venue is proper in this Court, since Plaintiff and Defendants are located within the Western District of Oklahoma. Federal Courts have original jurisdiction over claims arising under the laws of the United States, pursuant to 28 U.S.C. §1331.

3. Although the Petition purports to assert additional claims against the Defendants, the claims asserted are so related to the above-described federal claims that they form part of the “same case or controversy” and thus fall within this Court’s original jurisdiction pursuant to 28 U.S.C. §1367.

4. This Notice of Removal will be timely filed with the Clerk of the Court for the District Court of McClain County, pursuant to 28 U.S.C. §1446.

5. All Defendants named in this action consent to the removal of the case to this Court. This Notice of Removal is filed by Defendant the City of Purcell. The undersigned attorneys for the City of Purcell have been advised that counsel for Defendant Dale Bunn will timely file a Notice of Joinder in this Notice of Removal.

6. Service of Process was accomplished on Defendant Bunn on February 1, 2017. Service of Process was accomplished on Defendant City of Purcell on February 6, 2017. As such, this Notice of Removal is filed within 30 days of service of a pleading containing grounds for removal and thus removal is timely pursuant to 28 U.S.C. §1446.

Respectfully submitted,

/s/ John J. Love

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CERTIFICATE OF SERVICE

I certify that on February 16, 2017, I served the foregoing pleading upon counsel for Plaintiff by placing the same in the United States Mail to:

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Attorneys for Plaintiff

/s/ John J. Love

John J. Love